



### Overview

This document is intended to provide SRLs a summary of court rule changes going into effect on January 1, 2021. For Family Domestic Abuse (Order for Protection) and Civil Harassment (Harassment Restraining Order) case-specific information, see page 4. This document is not intended to be a substitute for receiving legal advice.

### General Questions

What are the court rule changes?

Significant amendments to the [Rules of Civil Procedure](#), the [General Rules of Practice](#), and the [Rules of Public Access](#) go into effect on January 1, 2021. These changes emphasize that anyone who files court documents is responsible for:

- removing restricted identifiers and other non-public information,
- separating public and non-public records, and
- identifying and designating non-public records as non-public at the time of filing.

In many instances, the changes give court staff the authority to reject or strike filings that contain non-public information.

Why have these changes been made?

The purpose of these changes is to address issues with the submission of non-public documents or information (*e.g.*, restricted identifiers or other specific data elements protected by applicable law, court rule, or order) in publicly accessible court records.

What are restricted identifiers?

Restricted identifiers are defined in [General Rule of Practice 11](#) and are non-public under the Rules of Public Access. They include Social Security Numbers, employer identification numbers, financial account numbers, and taxpayer identification numbers. These are numbers that can be used for identity theft or to cause financial harm.



How do I file a document that contains restricted identifiers?

Restricted identifiers must be redacted (removed) from public documents. If it is necessary to provide restricted identifiers to the court, they must be submitted separately on a [Confidential Information Form \(Form 11.1\)](#). If the entire document is non-public, there is no need to redact the restricted identifiers or use Form 11.1.

How do I file a non-public document?

The filer must designate all non-public documents as non-public. Filers who file paper documents must use the [Cover Sheet for Non-Public Documents \(Form 11.2\)](#) and list the reason, under Minnesota law, as to why the filed document is non-public. Electronic filers (e-filers) must either use Form 11.2 or the specific electronic filing (e-filing) code published in the e-filing code guides by the State Court Administrator. The guides are available on [mncourts.gov/eFile](http://mncourts.gov/eFile) under the eFile and eServe Resources tab. If a specific e-filing code is available and is used, Form 11.2 is not required.

If no specific e-filing code is available, and Form 11.2 is filed electronically, it must be filed as a separate PDF from the non-public documents.

E-filers must also designate non-public documents as either “Confidential” or “Sealed” in the Filing Comments field of the e-Filing System.

How do I know if a document is non-public?

For information on how to determine if a document is non-public, see the [Access to Case Records Table](#) on the public website, as well as the resources listed here under the [eFile and eServe Resources tab](#).

What happens if I submit a non-public document, restricted identifier or other non-public information without using the appropriate form or electronic filing code with comment?

Except in certain types of filings, if the filer does not identify and designate non-public records as required by [General Rule of Practice 11](#), court staff are authorized to reject the filing.

If a filing is rejected, the filer must correct and re-submit the filing for it to be accepted.

## Court Rules Changes - Information for Self-Represented Litigants



What happens if I submit a non-public document, restricted identifier or other non-public information without using the appropriate form or electronic filing code with comment? (cont.)

If court staff do not reject the filing, it is possible that the information intended to be confidential will be made public.

[Rule of Civil Procedure 5.04\(c\)](#) governs district court administration's authority to reject filings.

What types of filings are exempt from these requirements?

Authorization for court staff to reject or strike non-compliant filings for failure to separate non-public information does not apply to:

- criminal, juvenile delinquency, juvenile protection, or civil commitment cases,
- non-public case types, or
- medical records filed in any type of case.

Also, [a Supreme Court Order](#) states that court staff shall not reject, strike, or require a [Form 11.2 cover sheet](#) or use of an appropriate e-filing code to designate the document as confidential or sealed) for the following documents:

- Petitions for Harassment Restraining Orders, pursuant to Minn. Stat. Minn. Stat. §609.748, and any documents included with the petition;
- Petitions for Orders for Protection, pursuant to Minn. Stat. § 518B.01, and any documents included with the petition;
- Affidavits for Proceeding In Forma Pauperis, submitted under Minn. Stat. §563.01, and any documents included with the petition;
- Applications for Public Defenders, filed under Minn. Stat. §§ 611.16-18;
- Proof of Insurance filed into a case with charges of No Proof of Insurance or No Insurance;
- Requests for restitution or victim impact statements and attachments filed by victims, as authorized by law.

## Court Rules Changes - Information for Self-Represented Litigants



Who can I contact if I have questions?

Please contact your local court or self-help center, the [Statewide Self Help Center](#), or, if filing electronically, the [eFS Support Center](#).

### Family Domestic Abuse (Order for Protection) and Civil Harassment (Harassment Restraining Order)

If I choose to eFile my forms, where can I find the appropriate electronic filing codes for OFP or HRO documents?

If the filer completes forms via Guide and File and chooses to e-file them, the appropriate codes for each document will automatically be applied.

If the filer are completes forms by hand or outside of Guide and File and choose to e-file, a list of potential filing codes will be available in eFile and eServe after they select the filing location, case category, and case type. Filers should select the filing code that best describes the document being filed. See the Civil Case Types Index with the Civil Filing Code Guide, which is available on [mncourts.gov/efile](https://mncourts.gov/efile) under the eFile and eServe Re-

If Order for Protection (OFP) and Harassment Restraining Order (HRO) petitions are exempt from these requirements, is the use of Form 11.2 or specific filing codes ever required for filings in these cases to be accepted by the court?

The Petition for Order for Protection (Form OFP102), the Petition for Harassment Restraining Order (Form HAR102), and any documents that are included with the petition do not require [Form 11.2](#) or an appropriate e-filing code to designate any of the documents as confidential or sealed. Court staff must accept these filings and will keep any non-public documents non-public. However, filers are still encouraged, when filing an OFP or HRO petition, to use Form 11.2 or the appropriate e-filing code for non-public documents such as medical records, the Law Enforcement Information Sheet, and the Confidential Address/Phone Request Form to ensure the documents are appropriately treated as non-public.

Use of Form 11.2 or the specific e-filing code is required whenever non-public documents are filed at a later time, separately from the initial petition.

## Court Rules Changes - Information for Self-Represented Litigants



What if I am submitting a medical record that should be confidential?

Generally, medical records filed on or after Jan. 1, 2021 will be considered public unless [Form 11.2](#) or an appropriate medical record e-filing code is used.

This does not apply to any medical records filed with a Petition for Order for Protection (OFP) or Petition for Harassment Restraining Order (HRO). As noted above, any documents filed with the petition are exempt from those filing requirements.

Although not required, filers are strongly encouraged to use Form 11.2 or the appropriate e-filing code to identify a medical record submitted with a petition. This will help court staff identify the medical record.

In addition, as noted above, filers are only excused from having to use Form 11.2 or the appropriate e-filing code for documents submitted together with an initial petition. For filings submitted separate from and after the initial petition, filers are required to use the Form 11.2 or the appropriate e-filing code to ensure the medical record will be kept confidential.

If a medical record is filed in an OFP or HRO case, a copy of the record will be provided to the respondent even if the record is confidential.

What are the common documents submitted with a Petition that should be designated as confidential using Form 11.2 or the appropriate e-filing code?

The common documents are:

- Petitioner's Request to Keep Address/Phone Confidential (Forms OFP107 and HAR104),
- Law Enforcement Information Sheet (Forms OFP105 and HAR103),
- Affidavit/Proof of Transfer of Firearms (Form OFP108), or
- Affidavit of No Ownership/Possession of Firearms (Form OFP109).
- Medical Records

## Court Rules Changes - Information for Self-Represented Litigants



What are the common documents submitted with a Petition that should be designated as confidential using Form 11.2 or the appropriate e-filing code? (Cont.)

Generally, other statewide forms filed in an OFP or HRO case are public documents — they become public after service — and therefore do not require any special designation when filed.

Are there any other rule changes related to OFPs or HROs?

Law enforcement and police reports filed on or after Jan. 1, 2021 are considered public in all case types.

If the filer chooses to file a law enforcement/police report in an OFP or HRO case, the document will be public and a copy of the document provided to the other party. However, law enforcement/police reports are not required for OFP or HRO cases. Filers may want to redact any information they do not want to be publicly accessible and that the court does not need to know.